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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

HAIPING SU,
Plaintiff,

v.

UNITED STATES OF AMERICA;
NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION, an Agency of
the United States; CHARLES F. BOLDEN,
JR. in his official capacity as the
Administrator of NASA; SIMON PETER
WORDEN, in his official capacity as
Director of NASA Ames Research Center;
ROBERT DOLCI, in his official capacity as
Installation Security Chief at NASA Ames;
REGINALD WADDELL, in his official
capacity at NASA; and Does 1-100,

Defendants.

Case No. 5:09-cv-2838-JW

**STIPULATION AND [PROPOSED]
ORDER FOR A LIMITED EXTENSION
OF DISCOVERY DEADLINE
RELATED TO DEPOSITION OF MR.
PATRICK GRANT**

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1 The close of discovery in this case is set for March 28, 2011. However, the parties have
2 stipulated to, and request Court approval for, a limited extension of discovery to permit the
3 deposition of Mr. Patrick Grant to take place on April 11, 2011. (In addition to the immediate
4 request, the parties currently have outstanding a request to the Court for a limited extension of
5 the deadline for defendants to provide certain discovery responses. See Docket Entry #155.)

6 Plaintiff seeks to depose Mr. Grant, one of plaintiff's coworkers at the University of
7 California at Santa Cruz, who plaintiff believes has knowledge relevant to this case.

8 Plaintiff's counsel further represents that, during discovery, plaintiff sought consent from
9 University of California counsel to permit plaintiff's counsel to informally interview prospective
10 witnesses. Plaintiff's counsel represents that due to the scheduling needs of these prospective
11 witnesses and their University counsel, plaintiff's counsel was only able to first interview these
12 witnesses, including Mr. Grant, on March 15, 2011.

13 Because of this interview, plaintiff would like to depose Mr. Grant. Defendants' counsel,
14 however, is unable to attend a deposition of Mr. Grant prior to the discovery cut-off on March
15 28, 2011. Defendants' counsel has agreed to stipulate to a limited extension of the discovery
16 deadline so that Mr. Grant's deposition may take place. Plaintiff's counsel avers that plaintiff
17 has sought a declaration from Mr. Grant as an alternative to deposition. However, Mr. Grant has
18 declined to furnish such a declaration, and counsel for the University of California has indicated
19 to plaintiff's counsel that they believe a deposition is the better way to proceed. Through
20 counsel, Mr. Grant has confirmed his availability for a deposition on April 11, 2011.

21 In addition to this stipulation and proposed order, currently before the Court is a request
22 by the parties to extend the deadline for defendants' interrogatory responses and production of
23 documents. Docket Entry #155. The parties do not seek to change this pending stipulation.

24 The discovery deadlines in this matter have been modified only once. On January 25,
25 2011, the Court modified the expert discovery deadlines upon joint stipulation of the parties,
26 setting February 7, 2011 as the deadline for disclosure of experts and March 7, 2011 as the
27 deadline for disclosure of rebuttal experts. Docket Entry #131. No other modifications have
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1 occurred to date.

2 The requested modification would have minimal impact on the case. The parties do not
3 believe the additional period of discovery will impact other discovery matters in this case.

4 Accordingly, the parties hereby STIPULATE AND REQUEST that the March 28, 2011,
5 deadline for discovery be extended for the limited purpose of the aforementioned deposition, as
6 follows:

7 April 11, 2011 Deposition of Mr. Patrick Grant

9 DATED: March 23, 2011

McMANIS FAULKNER

11 /s/

12 JAMES McMANIS
13 MICHAEL REEDY

14 Attorneys for Plaintiff, Dr. Haiping Su

15 DATED: March 23, 2011

16 /s/

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: March 24, 2011



HON. JAMES WARE
UNITED STATES DISTRICT CHIEF JUDGE